

TWENTY-SECOND DAY

(Wednesday, February 19, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today and tomorrow on account of important business, on motion of Senator Graves.

Senator Kelley was granted leave of absence for today and tomorrow on account of important business, on motion of Senator Stone.

Reports of Standing Committees

Senator Weinert submitted the following reports:

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 147, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Me-

chanical College of Texas to acquire, and maintain and operate airports for said institution and its branches; conferring the right of eminent domain; enacting other provisions in reference to the subject; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 146, A bill to be entitled "An Act to amend Article 1107, Title 28 of the Revised Civil Statutes of the State of Texas of 1925 as amended by Acts of the Forty-second Legislature, Chapter 250, page 417 adding Section 6, providing that a city or town shall have the right of eminent domain to condemn private property for the purpose of digging or drilling thereon water wells or producing water therefrom, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 375, A bill to be entitled "An Act validating notices to bidders on certain county projects and notices of intention to issue time warrants in payment thereof in each instance where the first publication of such notice was fourteen (14) or more days prior to the date set for receiving bids, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, do pass in lieu of the original bill, and that the committee substitute be printed.

WEINERT, Chairman.

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 216, A bill to be entitled "An Act amending Section 1 of H. B. No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, by removing certain restrictions on the number of acres of land which may be owned by cities and counties for airport purposes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by committee amendment number one hereto attached, and be printed.

WEINERT, Chairman.

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 103, A bill to be entitled "An Act to authorize housing authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 207, A bill to be entitled "An Act validating certain county line independent school districts; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 89, A bill to be entitled "An Act amending S. B. No. 161 of the Forty-sixth Legislature, Acts 1939, Special Laws, page 723, so as to exempt certain independent school districts created under Chapter 5, Acts 1930, Forty-first Legislature, Fifth Called Session, from the provisions of Article 2763, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 87, A bill to be entitled "An Act providing for the disposition of property and insurance where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law with reference thereto, and providing that this Act shall not be retroactive; and that same shall not apply if decedent provides otherwise; and providing for uniform interpretation; that this Act may be cited as 'The Uniform Simultaneous Death Act'; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 86, A bill to be entitled "An Act providing that death shall not be presumed from mere absence of a person; that such a person has been exposed to specific peril of death shall

be considered by the court or a jury; providing that no provision concerning the effect to be given to evidence of absence of death in any insurance policy hereafter executed or adopted should be valid; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WEINERT, Chairman.

Senator Ramsey submitted the following reports:

Committee Room,
Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 22, A bill to be entitled "An Act providing for the appointment of grand jury bailiffs by the judge of the criminal district court in any county having a population of not less than three hundred twenty-five thousand (325,000) inhabitants and not more than three hundred ninety thousand (390,000) inhabitants, according to the United States Census of 1940 and all future Federal Census; and declaring an emergency."

Have had the same under consideration and do hereby recommend that the same do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 48, A bill to be entitled "An Act providing for the employment in all counties having a population of not less than three hundred and twenty thousand (320,000) nor more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, of two (2) rural school supervisors; prescribing the qualifications and duties of powers; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
February 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 138, A bill to be entitled "An Act making appropriations for the use of the Guadalupe-Blanco River Authority, the Upper Colorado River Authority, the Lower Concho River Water and Soil Conservation Authority, the Nueces River Conservation and Reclamation District, the Panhandle Water Conservation Authority, Pease River Flood Control District, Lower Neches Valley Authority, Upper Guadalupe River Authority, Reclamation District, and the Upper Red River Flood Control District; providing these appropriations shall be repaid to the State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Moore submitted the following reports:

Senate Chamber,
Austin, Texas,
February 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 18, Relative to contract between the Board of Control and the San Jacinto Museum of History Association.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
February 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 142, A bill to be entitled "An Act amending Chapter 8, Article 149, of the Revised Civil Statutes, of the State of Texas, by adding a

new Section to be numbered 149H, authorizing and empowering the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain an agricultural experimental station for the purpose of making scientific investigations and experiments in the study of poultry problems . . . etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
February 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 65, A bill to be entitled "An Act amending Section 17A of Chapter 126 of the Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 21, the same being Chapter 505 of the Acts of the Third Called Session of the Forty-fourth Legislature; as amended by S. B. No. 493, Acts of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
February 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 152, A bill to be entitled "An Act to amend Article 6421, Revised Civil Statutes, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Lemens submitted the following report:

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 27, A bill to be entitled "An Act amending Article 802 of the Penal Code of Texas, 1925, as amended by Chapter 60, H. B. No. 120, Acts of the Regular Session of the Forty-fifth Legislature; provided further that when a person is charged by indictment or information with driving while intoxicated, that evidence as to the amount of alcohol in the defendant's blood at the time of the alleged offense, as shown by chemical tests or analysis of the breath, urine, blood or other bodily substance, shall be admissible in evidence upon the issue of intoxication; etc; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments numbers one and two and that it be printed.

LEMENS, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
February 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. C. R. No. 10, Providing a committee composed of three (3) members of the House and two (2) of the Senate to investigate and make a report on the agricultural situation in the State of Texas in its relation to the general economic structure of the State and Nation.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Chairman.

Senator Mauritz submitted the following report:

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. C. R. No. 30, Authorizing a loan of certain highway equipment.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senators Aikin and Moffett:

S. B. No. 163, A bill to be entitled "An Act providing for and regulating appropriations from moneys in the State Treasury not otherwise appropriated, to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas as named in this Act; providing for an annual appropriation of Three Hundred Twenty-five Thousand (\$325,000) Dollars for each of the fiscal years beginning September 1, 1941, and September 1, 1942, respectively, and for the allocation thereof; and declaring an emergency."

To Committee on Finance.

By Senator Hazlewood:

S. B. No. 164, A bill to be entitled "An Act making an emergency appropriation of Eight Thousand Six Hundred Ninety-five (\$8,695.00) Dollars to West Texas State Teachers' College, at Canyon, Texas, for the purpose of drilling and equipping a water well, and providing well house, water mains, and water for use in the administration buildings of said college on the premises thereof; and declaring an emergency."

To Committee on Finance.

By Senator Chadick (by request):

S. B. No. 165, A bill to be entitled "An Act to protect and preserve the political right and freedom, right and

status of any and all persons employed, on or to be on leave of absence, or in military service of the United States, by any person, firm, corporation or association of persons, by regulating in certain particulars the rights and relationships between such employers and employees with respect to political affairs, re-instate-ments and/or reemployment in former position with employer, defining the term 'Employer of Labor'; providing fines and penalties for the violation of this Act; and repealing all laws or parts of laws in conflict herewith, making a separability provision; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lemens:

S. B. No. 166, A bill to be entitled "An Act to amend Chapter 160, page 406, Acts Regular Session of the Forty-third Legislature, as amended by S. B. No. 99, Chapter 12, page 33, Acts Regular Session of the Forty-fourth Legislature; repealing H. B. No. 135, Chapter 31, page 90, Acts Regular Session of the Forty-fourth Legislature; and declaring an emergency."

To Committee on Banks and Banking.

By Senator Van Zandt:

S. B. No. 167, A bill to be entitled "An Act to amend Article 4742 of Chapter 3 of Title 78, Revised Civil Statutes of Texas, 1925; [relative to fees collected from life insurance companies]; and declaring an emergency."

To Committee on Insurance.

By Senator Van Zandt:

S. B. No. 168, A bill to be entitled "An Act to amend Article 4733, Chapter 3, Title 78, Revised Civil Statutes of Texas, 1925 [relative to provisions contained in life insurance policies]; and declaring an emergency."

To Committee on Insurance.

By Senator Aikin (by request):

S. B. No. 169, A bill to be entitled "An Act amending Article 4357 of the Revised Civil Statutes of 1925 as amended by H. B. No. 495, Chapter 243, Acts of the Regular Session of the Forty-second Legislature, relating to the system of lists of claims to be kept and filed by the State Comp-

troller of Public Accounts; and declaring an emergency."

To Committee on State Affairs.

By Senator Sulak:

S. B. No. 170, A bill to be entitled "An Act repealing Article 705, Chapter 1, Title 12, of the Penal Code of 1925 and amendments thereto, being Article 705b, Chapter 1, Title 12, of the Penal Code, H. B. No. 646, page 707, Chapter 356 of the General Laws of the Forty-fifth Legislature, Regular Session, and Article 705c, Chapter 1, Title 12, of the Penal Code, H. B. No. 142, page 231, Chapter 8, of the General Laws of the Forty-sixth Legislature, Regular Session; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Moore:

S. B. No. 171, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts, whether created under General Law or Special Act of the Legislature, having seventy thousand (70,000) or more scholastics according to the last official scholastic census and wherein there may be situated a city having a population of three hundred seventy-five thousand (375,000) or more according to the last preceding Federal Census, and having a board of seven trustees; providing that in all such school districts trustees shall be voted upon and elected separately for positions on said board of trustees and prescribing a method whereby trustees in any such school district within ten days from the effective date of this Act shall draw for positions on any such board of trustees in any such school district; providing the manner and method of electing trustees thereafter in any such district and for an official ballot for use in such trustee elections and the time within which and the manner in which a person desiring to become a candidate for election shall give notice of his or her candidacy as the case may be; further providing that in any such election no candidate shall be eligible to have his or her name placed on the official ballot for more than one position to be filled at any such election; further providing that at any such election each voter shall vote for only one candidate for each such position and that the candidate receiving the highest number of votes

for each respective position voted upon at any such election shall be entitled to serve as trustee on said board, holding the position thereon to which he or she as the case may be, shall have been so elected; providing for the manner and method of giving notice of elections for trustees in all independent school districts included within the terms of this Act; further providing that all laws and parts of laws, both general and special insofar only as they may be in conflict herewith are repealed; and declaring an emergency."

To Committee on Internal Improvements.

By Senator Moore:

S. B. No. 172, A bill to be entitled "An Act providing that the commissioners' courts in counties of more than five hundred thousand (500,000) population, according to the last preceding Federal Census, shall have the authority to direct, control, employ, and discharge all building superintendents, janitors and other employees necessary to the upkeep, maintenance, and operation of the courthouses in their counties, excepting jail guards, matrons and other employees directly engaged in the operation and maintenance of the jails and safekeeping of prisoners in such counties, prescribing rules regarding such employees, and limitations upon the amount of salary to be paid, the method of employing and accounting, and the period for which such employment shall be made; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Weinert:

S. B. No. 173, A bill to be entitled "An Act providing that no county having a population of not less than twenty-five thousand five hundred fifty (25,550), nor more than twenty-five thousand six hundred ten (25,610) according to the last preceding, or future Federal Census, shall have a county auditor; abolishing the office of county auditor in any such county; repealing S. B. No. 110, Acts of Forty-seventh Legislature, Regular Session, 1941; and declaring an emergency."

To Committee on Civil Jurisprudence.

Senate Resolution 41

Senator Brownlee offered the following resolution:

Whereas, The Texas Memorial Museum was established by an Act of the Forty-fourth Texas Legislature, as a State Museum of Civic and Natural History; and

Whereas, Invitations have been extended to the members of the Legislature, their families and friends, to visit the museum and to inspect the special exhibits arranged for this the 19th day of February, as a Texas Statehood feature; now therefore, be it

Resolved, That the Senate accepts the invitation of Dr. E. H. Sellards, Director of the Museum, and that following adjournment today as many of the members as can do so avail themselves of the opportunity to visit the institution.

The resolution was read, and on motion of Senator Brownlee and by unanimous consent the resolution was considered at this time and was adopted.

**Conference Committee on
Senate Bill 36**

Senator Aikin called for consideration at this time of the motion (heretofore duly made and spread on the Journal) to reconsider the vote by which the Senate concurred in the House amendments to S. B. No. 36.

The motion to reconsider prevailed.

The President then laid the bill, with the House amendments, before the Senate.

Senator Aikin moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Aikin, Moffett, Spears, Lemens and Metcalfe.

**Conference Committee on Senate
Concurrent Resolution 15**

Senator Moffett called S. C. R. No. 15 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Moffett moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the resolution on the part of the Senate: Senators Lanning, Formby, Moffett, Smith and Spears.

**Report of Standing Committee
on Senate Bill 173**

Senator Weinert, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 173, A bill to be entitled "An Act providing that no county having a population of not less than twenty-five thousand five hundred fifty (25,550), nor more than twenty-five thousand six hundred ten (25,610) according to the last preceding, or future Federal Census, shall have a county auditor; abolishing the office of county auditor in any such county; repealing S. B. No. 110, Acts of the Forty-seventh Legislature, Regular Session, 1941; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senate Bill 173 on Second Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 173 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 173 at this time.

The President laid the bill before the Senate on its second reading and passage to engrossment:

The bill was read second time and was passed to engrossment.

Senate Bill 173 on Third Reading

The President then laid S. B. No. 173 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

Message from the House

The Assistant Reading Clerk of the House was announced by the Door-keeper and was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. C. R. No. 41, Memorializing Congress of the United States in reference to gasoline taxes.

H. C. R. No. 42, Authorizing the recall of H. B. No. 140 from the Governor's office for the purpose of making correction therein.

S. B. No. 42, A bill to be entitled "An Act amending Article 2698 R. S., providing for the State Superintendent, on recommendation of the Director of School Census, to request the State Board of Education because of public calamity to authorize an increase to cover teacher costs; defining public calamity; limiting amount of scholastic increase to added teachers cost; requiring formal application; presentation of budget; comparison of former censuses; and requiring a report on increased valuation and added obligations; requiring recommendation of Director of Census and request of the State Superintendent of Public Instruction and approval by the State Board of Education; listing items contained in application for benefits of scholastic increase; providing for adjustments of scholastic census during fiscal school year in which emergency occurs; and declaring an emergency."

(With amendments.)

S. C. R. No. 19, Authorizing State Highway Department to lend certain equipment to the City of Daingerfield for topping asphalt streets now under construction.

S. C. R. No. 20, Urging the United States Government to establish powder and national defense munitions plants in Texas.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution 30

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to permit consideration of H. C. R. No. 30 at this time.

The President laid before the Senate:

H. C. R. No. 30, Authorizing the Highway Department to lend certain highway equipment to the City of Throckmorton.

The resolution was read and was adopted.

Senate Bill 28 on Second Reading

On motion of Senator Lovelady and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 28 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 28, A bill to be entitled "An Act to repeal the Bosque County Fish Law, being Chapter 43, page 792, H. B. No. 957, in the Special Laws of the Forty-sixth Legislature; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 28 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Bill 151 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 151, A bill to be entitled "An Act defining the jurisdiction of the County Court of Panola County and diminishing its civil jurisdiction; providing that the District Court of Panola County shall have jurisdiction in all civil matters over which by law the county court would have jurisdiction; providing for the transfer of civil causes from the County Court to the District Court of Panola County; providing for the repeal of all laws in conflict therewith; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 151 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 151 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Cotten
Beck	Fain
Brownlee	Formby
Chadick	Graves

Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith
Lanning	Stone
Lemens	Sulak
Lovelady	Van Zandt
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield
Moffett	York
Moore	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Bill 234 on Second Reading

Senator Stone moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of H. B. No. 234 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Isbell
Beck	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Moore
Hill	Ramsey

Shivers	Vick
Smith	Weinert
Stone	Winfield
Sulak	York
Van Zandt	

Absent—Excused

Kelley Spears

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 234, A bill to be entitled "An Act validating the incorporation of all cities and towns in Texas of five thousand (5,000) inhabitants or less heretofore incorporated and/or attempted in good faith to be incorporated under the General Laws of Texas; providing that the incorporation of such cities and towns shall not be held invalid on account of irregularities in ordering the incorporation election, election proceedings and/or canvassing returns and declaring result thereof; providing the Act shall not have any effect upon suits pending on the effective date of the Act, or suits to be filed within ninety (90) days; and validating all governmental proceedings performed in good faith by the governing bodies of such cities and towns since their incorporation or attempted incorporation respectively; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 234 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 234 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Chadick	Mauritz
Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Lanning	Sulak

Van Zandt	Winfield
Vick	York
Weinert	

Absent—Excused

Kelley	Spears
--------	--------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

House Bill 108 on Second Reading

Senator Winfield moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of H. B. No. 108 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 108, A bill to be entitled "An Act amending S. B. No. 427 of the Forty-sixth Legislature and providing for the employment of part-time employees by the heads of departments, boards, or commissions of the State Government; and providing for the salaries of such part-time employees; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 108 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 108 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalfe
Graves	Moffett
Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith

Stone
Sulak
Van Zandt

Vick
Winfield
York

Nays—3

Beck
Moore

Weinert

Absent—Excused

Kelley

Spears

Reference of House Concurrent Resolution 41

H. C. R. No. 41, received from the House today, was read and referred to the Committee on Military Affairs.

House Concurrent Resolution 42

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 42, Recalling H. B. No. 140 from Governor for correction.

The resolution was read, and on motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

Reports of Standing Committees

By unanimous consent, Senator Moore submitted the following report:

Austin, Texas,
February 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 122, A bill to be entitled "An Act providing that any person of good moral character who on May 22, 1937, had been engaged in the practice of architecture in this State for a period of at least six (6) months prior to said date and who failed to obtain a registration certificate as provided for, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with committee amendment number one.

MOORE, Chairman.

By unanimous consent, Senator Fain submitted the following report:

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 171, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts, whether created under General Law or by Special Act of the Legislature, having seventy thousand (70,000) or more scholastics according to the last official scholastic census and wherein there may be situated a city having a population of three hundred seventy-five thousand (375,000) or more according to the last preceding Federal Census, and having a board of seven trustees; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FAIN, Chairman.

By unanimous consent, Senator Ramsey submitted the following report:

Senate Chamber,
Austin, Texas,
February 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 172, A bill to be entitled "An Act providing that the commissioners' courts in counties of more than five hundred thousand (500,000) population, according to the last preceding Federal Census, shall have the authority to direct, control, employ, and discharge all building superintendents, janitors and other employees necessary to the upkeep, maintenance, and operation of the courthouses in their counties, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

By unanimous consent, Senator Hill submitted the following reports:

Committee Room,
Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 144, A bill to be entitled "An Act amending Article 1133 of the Revised Civil Statutes of Texas, 1925, by changing the words 'four hundred' to 'two hundred' and providing that when a town or village may contain more than two hundred and less than ten thousand inhabitants, it may be incorporated as a town or village in the manner prescribed in Chapter 11, Title 28, of the Revised Civil Statutes of 1925, and any amendments thereto, and making this Act cumulative of all other laws, and providing that in the event of a conflict, the provisions of this Act shall prevail, and providing that this Act is severable; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HILL, Chairman.

Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 109, A bill to be entitled "An Act to amend Article 2955 of the Revised Statutes of the State of Texas, 1925, relating to qualifications to vote; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HILL, Chairman.

House Concurrent Resolution 10

On motion of Senator Moffett and by unanimous consent the regular order of business was suspended, to take up for consideration at this time:

H. C. R. No. 10, Providing for a committee composed of three members of the House and two members of the Senate to investigate and make re-

port on the agricultural situation in the State of Texas in its relation to the general economic structure of the State and Nation.

The resolution was read and was adopted.

Accordingly, the President appointed Senators Sulak and Formby as members of the committee provided for in the resolution.

Senate Bill 171 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 171 be placed on its second reading and final passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 171 on Third Reading

The President then laid S. B. 171 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Fain
Beck	Formby
Brownlee	Graves
Chadick	Hazlewood
Cotten	Hill

Isbell	Shivers
Lanning	Smith
Lemens	Stone
Lovelady	Sulak
Martin	Van Zandt
Mauritz	Vick
Metcalf	Weinert
Moffett	Winfield
Moore	York
Ramsey	

Absent—Excused

Kelley Spears

Senate Bill 52 on Second Reading

Senator Metcalfe moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of S. B. No. 52 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 52 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 52, A bill to be entitled "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Agricultural and Mechanical College of Texas for operating expenses of the Wool Scouring Plant at said college; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 52 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 52 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

Resolutions Signed

The President signed in the presence of the Senate the following enrolled resolutions:

S. C. R. No. 17, Inviting Miss Helen Keller to address a joint session of the Legislature.

H. C. R. No. 37, Providing that the House of Representatives and the Senate join with the American Legion and other patriotic organizations in the exercise on March 2, 1941, at old Washington-on-the-Brazos.

H. C. R. No. 40, Granting permission to Paris, Lamar County, Texas, to use some of the discarded guard wire belonging to the State Highway Department of Texas.

Senate Bill 144 on Second Reading

Senator Martin moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of S. B. No. 144 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 144 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 144, A bill to be entitled "An Act amending Article 1133 of the Revised Civil Statutes of Texas, 1925, by changing the words 'four hundred' to 'two hundred' and pro-

viding that when a town or village may contain more than two hundred (200) and less than ten thousand (10,000) inhabitants, it may be incorporated as a town or village in the manner prescribed in Chapter 11, Title 28, of the Revised Civil Statutes of 1925, and any amendments thereto, and making this Act cumulative of all other laws, and providing that in the event of a conflict, the provisions of this Act shall prevail, and providing that this Act is severable; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 144 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 144 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Years—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hazlewood
Beck	Hill
Brownlee	Isbell
Chadick	Lanning
Cotten	Lemens
Fain	Lovelady
Formby	Martin
Graves	Mauritz

Metcalf	Sulak
Moffett	Van Zandt
Moore	Vick
Ramsey	Weinert
Shivers	Winfield
Smith	York
Stone	

Absent—Excused

Kelley	Spears
--------	--------

Motion to Take Up Senate Bill 124

Senator Sulak moved that the regular order of business be suspended and that S. B. No. 124 be taken up on its second reading and passage to engrossment.

Question.—Shall the motion of Senator Sulak prevail?

Senator Sulak was recognized to speak to the question.

By unanimous consent, Senator Sulak was permitted to yield the floor temporarily to allow transaction by the Senate of certain other business as herein set forth.

Senate Bill 19 on Final Passage

Senator Graves called for the consideration at this time of the motion (heretofore duly made and spread on the Journal) to reconsider the vote by which S. B. 19 was passed.

The motion to reconsider prevailed.

The President laid before the Senate, on its final passage:

S. B. No. 19, A bill to be entitled "An Act to amend H. B. No. 30, Chapter 4, Acts of 1933, First Called Session, Forty-third Legislature, as amended by H. B. No. 122, Chapter 387, Acts of 1935, First Called Session, Forty-fourth Legislature, as amended by H. B. No. 54, Chapter 510, Acts of 1936, Forty-fourth Legislature, Third Called Session, and repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency and providing the Act shall take effect from and after its passage."

Senator Graves offered the following amendments to the bill:

(1)

Amend S. B. No. 19, by striking out "Section 7" in its entirety and substituting in lieu thereof, the following:

"Section 7. Retirement Pension: Where any member of said depart-

ments shall have contributed a portion of his salary as provided herein, and shall have served twenty (20) years in either of said departments, he shall be issued a certificate of retirement, which said certificates shall thereafter be incontestable. The issuance of such certificate shall be mandatory upon the board; provided, however, that when said member reaches the age of fifty (50) years he may, after making application, be retired. No person to whom such certificate shall have been issued who has not reached the age of fifty (50) years shall be entitled to receive any retirement benefits until he reaches the age of fifty (50) years, and then upon his application. If any such member shall voluntarily or involuntarily leave the service of the city after he has received such certificate and before he reaches the age of fifty (50) years, he shall not be entitled to participate in the benefits of this Act until he is fifty (50) years of age; provided, however, that if any such member voluntarily or involuntarily leaves the service of the city and thereafter becomes physically disabled through no fault of his own before he reaches the age of fifty (50) years, he shall be entitled to apply for, and the board may grant to him, a disability pension in accordance with this Act, which said pension shall become a retirement pension subject to the provisions of this Act upon his reaching the age of fifty (50) years. In the event such member so retiring, voluntarily or involuntarily, after he has such certificate and before he reaches the age of fifty (50) years, shall die, then his widow, or children, or other dependents named in this Act, if any, shall be entitled to share in the benefits of this Act. A member retiring under the provisions of this Act shall receive one-half ($\frac{1}{2}$) of the salary received by him at the time of his retirement; provided, however, that in no instance shall the monthly pension allowance awarded him be in excess of one-half ($\frac{1}{2}$) of the base pay of a private per month, plus one-half ($\frac{1}{2}$) of the service money granted to the member under any provision of any city charter; which pension allowance shall be computed on the basis of the current payroll. This pension allowance, set out above based on the current payroll, shall be granted to the man going on the Pension Fund as well as the man already on the

pension. Any member reaching the age of sixty-five (65) years and having served twenty (20) years in either of the departments, and who has not then retired from such departments, may be summoned before the board for the purpose of determining whether or not he should be retired under the provisions of this Act."

(2)

Amend S. B. No. 19, by striking out the words on lines nine (9), ten (10), eleven (11) and twelve (12: "said certificate shall be certified to by the Mayor Pro Tem, City Manager and City Secretary, and it shall be attested under seal and signature of the chairman of the Pension Board of Firemen, Policemen and Fire Alarm Operators." on page 7, and inserting the following words in lieu thereof: "said certificate shall be signed by the Mayor, or Mayor Pro Tem, or City Manager, if such city has a city manager, and by the chairman of the Pension Board of Firemen, Policemen and Fire Alarm Operators, and attested under the seal of the city by the city secretary."

(3)

Amend S. B. No. 19, by striking out the words on line twenty-two (22): "one-half ($\frac{1}{2}$)," on page eight (8), and inserting in lieu thereof, the following words: "one-fourth ($\frac{1}{4}$)."

The amendments were read; and they were adopted severally by unanimous consent.

S. B. No. 19 as amended then was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

Senate Bill 150 on Second Reading

Senator Graves moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of S. B. No. 150 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

On motion of Senator Graves and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 150 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 150, A bill to be entitled "An Act to create a policeman, firemen, and fire alarm operators pension system for all cities in the State of Texas having a population in excess of two hundred thousand (200,000) inhabitants, and less than two hundred and ninety three thousand (293,000) inhabitants, according to the last preceding Federal Census, and providing for the control and administration thereof; and declaring an emergency."

The bill was read second time.

The Senate refused to pass the bill to engrossment.

Senator Graves moved to reconsider the vote by which the bill failed to pass to engrossment.

The motion to reconsider prevailed.

The bill then was passed to engrossment.

Senate Bill 150 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 150 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Present—Not Voting

Hill

Absent—Excused

Kelley	Spears
--------	--------

Senate Bill 172 on Second Reading

Senator Moore moved that Section 5 of Article 3 of the Constitution be suspended to allow consideration by the Senate of S. B. No. 172 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 172 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to

permit consideration of S. B. No. 172 at this time.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 172 on Third Reading

The President then laid S. B. No. 172 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

Conference Committee on Senate Bill 42

Senator Metcalfe called S. B. No. 42 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question.—Shall the Senate concur in the House amendments?

Senator Metcalfe moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Metcalfe, Stone, Lovelady, Lanning and Aikin.

Motion to Take Up Senate Bill 124 Withdrawn

The Senate resumed consideration of the motion of Senator Sulak to suspend the regular order of business to take up S. B. No. 124 on its second reading and passage to engrossment, and Senator Sulak was recognized by the President.

Senator Sulak then withdrew the motion.

House Bill 259 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 259 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 259, A bill to be entitled "An Act amending Chapter 73, General Laws of the Regular Session of the Forty-fourth Legislature, so as to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census has a population of not fewer than five thousand, eight hundred and fifteen (5,815) and not more than five thousand, eight hundred and thirty-five (5,835) inhabitants, whether organized under General or Special Law; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 259 on Third Reading

Senator Smith moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 259 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hill
Beck	Isbell
Brownlee	Lanning
Chadick	Lemens
Cotten	Lovelady
Fain	Martin
Formby	Mauritz
Graves	Metcalf
Hazlewood	Moffett

Moore	Van Zandt
Ramsey	Vick
Shivers	Weinert
Smith	Winfield
Stone	York
Sulak	

Absent—Excused

Kelley	Spears
--------	--------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

Adjournment

On motion of Senator Shivers, the Senate, at 11:55 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

TWENTY-THIRD DAY

(Thursday, February 20, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Graves
Beck	Hazlewood
Brownlee	Hill
Chadick	Isbell
Cotten	Lanning
Fain	Lemens
Formby	Lovelady

Martin	Stone
Mauritz	Sulak
Metcalfe	Van Zandt
Moffett	Vick
Moore	Weinert
Ramsey	Winfield
Shivers	York
Smith	

Absent—Excused

Kelley	Spears
--------	--------

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Brownlee submitted the following report:

Austin, Texas,
February 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

We, your Committee on Highways and Motor Traffic, to whom was referred

Senate Bill No. 34.

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senator Moore submitted the following report:

Senate Chamber,
Austin, Texas,
February 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 20, To grant Mrs. Gertrude Cabeen permission to sue the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

MOORE, Chairman.